



PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/495,105
Filing Date	February 1, 2000
First Named Inventor	Graham B. McCloy et al.
Art Unit	2875
Examiner Name	Thomas M. Sember
Attorney Docket Number	SCH-00026

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☒ Other Please do not consider the previously submitted Amendment in Response to Decision on Appeal filed on October 24, 2003.

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Alternate Amendment and Petition

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501612 (Wam, Burgess & Hoffmann, P.C.)

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Petition to Revive (Unintentional) - \$1,330.00

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gregory L. Ozga	Registration No. (Attorney/Agent)	53425
Signature		Date	February 13, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Gregory L. Ozga - Reg. No. 53425	Date	February 13, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/12/2004 WABRHAM1 00000001 501612 09495105  
01 FC:1453 1330.00 DA

Adjustment date: 06/04/2004 EEKUBAY1  
03/12/2004 WABRHAM1 00000001 501612 09495105  
01 FC:1453 1330.00 CR

## LAW OFFICES

**WARN, BURGESS & HOFFMANN, P.C.**Intellectual Property Matters  
PATENTS, TRADEMARKS AND COPYRIGHTSJoseph G. Burgess  
Richard W. Hoffmann  
Douglas P. LaLone  
Jeanne-Marie Marshall  
John K. McCulloch  
John A. Miller  
Gregory L. Ozga  
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Saginaw, Michigan 48603  
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Facsimile: (989) 792-2535**FAX MESSAGE****Number of Pages: 3**

(Please let us know by phone or fax if you do not receive any of these pages)

**Date:** May 4, 2004

\*\*\*\*\*

**To:** USPTO Deposit Account Department - ATTN: REFUNDS**Company:** U.S. Patent & Trademark Office**Fax Number:** (703) 308-6778**From:** Philip R. Warn

\*\*\*\*\*

**REQUEST FOR REFUND**

To follow is a copy of our March 2004 Deposit Account Statement for USPTO Deposit Account No. 501612, in which we believe there is an error.

On February 13, 2004 we filed a Petition to Revive and a Request for Continued Examination. As shown by the attached Fee Transmittal, we requested the fees be withdrawn from our Deposit Account, in the amount of \$1,330.00 for the Petition to Revive and \$770.00 for the Request for Continued Examination. However, according to the attached Deposit Account Statement, \$1,330.00 was withdrawn twice, and \$770.00 was never withdrawn.

Please let me know if you have any questions regarding this matter and how or when this can be corrected. Thank you very much for your assistance in this regard.

**NOTICE:**

This facsimile transmission and all contents contain information from Warn, Burgess & Hoffmann, P.C., which is privileged, confidential or otherwise protected from disclosure. The information is intended for the addressee(s) only. If you are not the addressee, any disclosure, copy, distribution or use of the contents of this message is prohibited. If you have received this facsimile transmission in error, please notify us immediately and destroy the original message and all copies.

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Requested Statement Month: March 2004  
Deposit Account Number: 501812  
Name: WARN, BURGESS & HOFFMANN, P.C.  
Attention: PHILIP R. WARN  
Address: 691 NORTH SQUIRREL ROAD  
City: AUBURN HILLS  
State: MI  
Zip: 48326

ERROR {

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/03	109	60548510	DKT 04021 (BWI-00103	1006	\$160.00	\$3,251.00
03/04	31	10789540	DKT 03068A (BWI-00084)	1202	\$18.00	\$3,233.00
03/10	125	09495105	SCH-00026	1453	\$1,330.00	\$1,903.00
03/12	1	09495105	SCH-00026	1453	\$1,330.00	\$573.00
03/24	1	PCT/US04/02090	POL-00011-PCA	8007	\$20.00	\$553.00
03/24	3	PHILIP R. WARN		9204	-\$147.00	\$700.00
03/24	5	PCT/US04/02090	POL-00011-PCA	1602	\$700.00	\$0.00
03/24	75	PCT/US03/21771		9204	-\$33.00	\$33.00
03/24	76	PCT/US03/21771		9204	-\$20.00	\$53.00
03/31	270	SERVICE CHARGE		9202	\$25.00	\$28.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$3,411.00	\$3,583.00	\$200.00	\$28.00	

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2,100.00)

## Complete if Known

Application Number	09/495,105
Filing Date	February 1, 2000
First Named Inventor	Graham B. McCloy et al.
Examiner Name	Thomas M. Sember
Art Unit	2875
Attorney Docket No.	SCH-00026

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number: 501612  
Deposit Account Name: Warn, Burgess & Hoffmann, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims:  Extra Claims:  Fee from below:  Fee Paid:   
Independent Claims:  - 20\*\* =  X  =  0.00  
Multiple Dependent Claims:  - 3\*\* =  X  =  0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity, Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1,330.00
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	770.00
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 2,100.00)

## SUBMITTED BY

Name (Print/Type)	Gregory L. Ozga	Registration No.	53425	Telephone	(248) 364-4300
Signature	<i>Gregory L. Ozga</i>	(Attorney/Agent)		Date	February 13, 2004

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